

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MARCH 26, 1991  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:33 a.m. The meeting was recessed by Mayor O'Connor at 12:15 p.m. to meet in Closed Session at 1:45 p.m. in the 12th floor Council Conference Room to discuss pending litigation, and to reconvene the meeting at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:11 p.m. with Council Member Hartley not present. Chairperson Wolfsheimer adjourned the meeting to convene the Housing Authority Meeting at 5:23 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:  
(M) Mayor O'Connor-present

- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-122: (R-91-1514 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-277584

Authorizing the execution of an agreement with Bob Baker Enterprises, Inc. to purchase and establish a management fund for 19.1 acres of off-site vernal pool habitat, consisting of 14.1 acres to satisfy off-site mitigation requirements of VTM, PID and RPO Permit No. 88-0612 plus a 4.7-acre excess portion the City will purchase for vernal pool preservation; authorizing the City Manager to accept a deed to the 19.1-acre parcel; authorizing the expenditure of an amount not to exceed \$209,155 from Vernal Pool Preservation Fund 10570 to exercise the City's option to purchase the 4.7-acre excess portion under the terms of the agreement, consisting of \$184,555 for property rights and \$24,600 to reimburse Bob Baker Enterprises, Inc. for a corresponding portion of the management, maintenance and preservation fund.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Approval of the requested Council action accomplishes two main objectives:

1. It authorizes the City Manager to enter into an agreement with Bob Baker Enterprises Inc. whereby Baker at its expense will acquire 19.1 acres of vernal pool habitat on Carroll Canyon Mesa from the H.G. Fenton Material Company. The transaction, which transfers the 19.1 acre parcel directly from Fenton to the City, provides 14.4 acres to satisfy Baker's off-site mitigation requirements for VTM, PID and RPO Permit No. 88-0612 (Miramar Road Auto Center) plus an excess 4.7 acre portion the City proposes to acquire under an option to purchase set out in the agreement. The agreement also calls for Baker to establish a fund for the perpetual management and maintenance of the property by the City.
2. It authorizes the expenditure of \$209,155 from the Vernal Pool Preservation Fund in order for the City to exercise its option to purchase the 4.7 acre excess portion consisting of \$184,555 as a proportionate share of the total purchase price and \$24,600 to reimburse Baker for a corresponding portion of

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the management and maintenance fund Baker is being required to establish per the terms of the agreement.  
Aud. Cert. 9100710.

FILE LOCATION: DEED F-5552 DEED FY91-1; CONT FY91-1

COUNCIL ACTION: (Tape location: F101-G150.)

MOTION BY WOLFSHEIMER TO APPROVE ITEMS 122 AND 331 TO GO THROUGH WITH THE BAKER PURCHASE. TAKE THE LAND AS IT COMES INTO THE CITY FROM BAKER, DEDICATE IT FOR PARKLAND SO THERE IS NO QUESTION OF ITS USE FOR THE FUTURE. EXPUNGE FROM THE DEED RESTRICTIONS AND CONTRACT ANY COMMENT OR PROVISION FOR FENTON TO HAVE THE RIGHT TO REPURCHASE THIS SITE. CONTINUE THE SECOND PART OF THIS MATTER TO DETERMINE WHETHER OR NOT WE WANT TO BUY THAT 4.7 ACRE SITE WITH THE \$209,000 IN OUR VERNAL POOL FUND OR IF THERE IS SOME OTHER VERNAL POOLS WE PREFER TO BUY. STAFF IS TO COME BACK TO COUNCIL WITH A REPORT REGARDING THE VERNAL POOLS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-310: WELCOMED BY COUNCIL MEMBER HARTLEY

Welcoming a group of 25 students from Central Elementary School, accompanied by Mr. Gary Binzer, North Park Lions Club liaison. This group will arrive at approximately 10:30 a.m.  
(District-3.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-027.)

ITEM-330: (R-91-1404) ADOPTED AS RESOLUTION R-277585

Adoption of a Resolution approving the Housing Element Annual Review for Fiscal Years 1989 and 1990. The Housing Element Annual Review describes citywide housing activity for Fiscal Years 1989 and 1990 (July 1, 1988 to June 30, 1990) and evaluates the City's performance in attainment of its adopted housing goals.  
(City-wide.)

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G420-H168.)

Hearing began at 4:43 p.m. and halted at 5:06 p.m.

Mayor O'Connor left at 5:02 p.m.

MOTION BY PRATT TO ADOPT THE HOUSING ELEMENT ANNUAL REVIEW.  
Second by Bernhardt. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-not present,  
Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea,  
Filner-not present, Mayor O'Connor-not present.

ITEM-331:

Matter of a request for Planned Industrial Development Permit, Resource Protection Ordinance Permit and Tentative Map No. 88-0612 (Miramar Road Auto Center). The project proposes to develop a 15.0 acre automobile sales and service center. The subject property is located on the north side of Miramar Road, east of Eastgate Mall in the M-1B Zone and within the boundaries of the University Community Plan. The subject property is more particularly described as the east 1/2 of Lot 3, Section 10, Township 15 South, Range 3 West, SBBM.  
(PID, RPO and VTM-88-0612. District-5.)

Subitem-A: (R-91-1742) ADOPTED AS RESOLUTION R-277586

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0612 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-1743) ADOPTED AS RESOLUTION  
R-277587, GRANTED PERMIT

Adoption of a Resolution granting or denying the PID permit, with appropriate findings to support Council action.

Subitem-C: (R-91-1744) ADOPTED AS RESOLUTION  
R-277588, GRANTED PERMIT

Adoption of a Resolution granting or denying the RPO  
permit, with appropriate findings to support Council  
action.

Subitem-D: (R-91-1745) ADOPTED AS RESOLUTION  
R-277589, GRANTED MAP

Adoption of a Resolution granting or denying the map,  
with appropriate findings to support Council action.

FILE LOCATION: SUBITEMS-A&B: PERM - PID 88-0612; SUBITEM-C:  
PERM - RPO 88-0612; SUBITEM-D: SUBD -  
Miramar Road Auto Center

COUNCIL ACTION: (Tape location: F101-G150.)

Hearing began at 3:46 p.m and halted at 4:23 p.m.

Testimony in favor by Donald Wordley, representing Bob  
Baker.

Testimony in opposition by Linda Michael, representing the  
Sierra Club.

MOTION BY WOLFSHEIMER TO APPROVE ITEMS 122 AND 331 TO GO  
THROUGH WITH THE BAKER PURCHASE. TAKE THE LAND AS IT COMES  
INTO THE CITY FROM BAKER, DEDICATE IT FOR PARK LAND SO THERE  
IS NO QUESTION OF ITS USE FOR THE FUTURE. EXPUNGE FROM THE  
DEED RESTRICTIONS AND CONTRACT ANY COMMENT OR PROVISION FOR  
FENTON TO HAVE THE RIGHT TO REPURCHASE THIS SITE. CONTINUE  
THE SECOND PART OF THIS MATTER TO DETERMINE WHETHER OR NOT  
WE WANT TO BUY THAT 4.7 ACRE SITE WITH THE \$209,000 IN OUR  
VERNAL POOL FUND OR IF THERE IS SOME OTHER VERNAL POOLS WE  
PREFER TO BUY. STAFF IS TO COME BACK TO COUNCIL WITH A  
REPORT REGARDING THE VERNAL POOLS. Second by Roberts.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-not present, Pratt-yea, Bernhardt-yea,  
Henderson-yea, McCarty-yea, Filner-not present, Mayor  
O'Connor-yea.

ITEM-332: (O-91-130) ADOPTED AS ORDINANCE O-17626 (New  
Series)

Amending Chapter IX, Article 3, Division 2, of the San  
Diego Municipal Code by adding new Section 93.0206,

establishing Water Conservation Plumbing Standards for New Construction, requiring the installation of Ultra-Low Flush Toilets.

(Introduced on 3/14/91. Council voted 6-0. Districts 1, 3, and 4 not present.)

FILE LOCATION: WATER - Water Conservation Plumbing Standards

COUNCIL ACTION: (Tape location: F060-064.)

MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-91-1598) ADOPTED AS RESOLUTION R-277590

Approving the San Diego Housing Trust Fund Three Year Program Plan; appropriating \$7,350,000 from the Housing Trust Fund Account to fund Program Plan implementation; directing the City Manager to transfer funds from the San Diego Housing Trust Fund Account to the San Diego Housing Trust Fund, administered by the Housing Commission, commencing on the first day of the fourth quarter of Fiscal Year 1991.

(See Housing Commission Report HCR-91-003CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H170-347.)

MOTION BY PRATT TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-334: (R-91-1498) CONTINUED TO APRIL 9, 1991

Revising the Housing Trust Fund Housing Impact Fees by the two percent increase in the building cost Index of the Cost Indices for Twenty Cities published by M.C. McGraw-Hill, Inc.; authorizing the City Engineer to revise the Housing Trust Fund Housing Impact Fees as

specified in Ordinance O-17454 (New Series); declaring that the Housing Commission shall issue an informational report to the City Council on the percentage increase or decrease in the fees.  
(See Housing Commission Report HCR-91-004CC.)

FILE LOCATION:           --

COUNCIL ACTION:        (Tape location: H350-415.)

Motion by Pratt to adopt. Second by Bernhardt. No vote.

MOTION BY BERNHARDT TO CONTINUE TO APRIL 9, 1991, TO REVIEW THE IMPACT FEES. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335:       (R-91-1513)       ADOPTED AS RESOLUTION R-277591

Endorsing the offer made by the Southeast Economic Development Corporation to the San Diego Unified School District regarding the 252 Corridor Project; removing previous restrictions pertaining to approval of the tentative map.  
(See memorandum from SEDC President.)

FILE LOCATION:        MEET

COUNCIL ACTION:        (Tape location: G154-419.)

MOTION BY PRATT TO ADOPT, SUPPORTING S.E.D.C.'s (SOUTHEAST ECONOMIC DEVELOPMENT CORPORATION) RECOMMENDATION OF ACCEPTING THE PROPOSAL AS IT IS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500:           CONTINUED TO APRIL 8, 1991

(Continued from the meeting of March 4, 1991, Item S401; Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 704; Continued from the meeting of March 18, 1991, Item S404, at the City Manager's request, to confirm the

Council's intent to defer actions to the meeting of 3/26/91.)

Alternate actions concerning Emergency Water Regulations:

Subitem-A: (O-91-152)

Introduction and adoption of an Emergency Ordinance amending Chapter VI, Article 7, of the San Diego Municipal Code by amending Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8, relating to Emergency Water Regulations.  
(This Ordinance will take effect on the day of its adoption.)

Subitem-B: (O-91-139 Corr. Copy))

Introduction of an Ordinance amending Chapter VI, Article 7, of the San Diego Municipal Code by amending Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8, relating to Emergency Water Regulations.  
(This Ordinance will take effect on the 30th day after its passage.)

CITY MANAGER SUPPORTING INFORMATION: California is entering its fifth consecutive drought year. Rainfall totals, snowpack depths and reservoir levels remain below normal State-wide. In light of current demands for water within the State, it appears that there may not be enough water in 1991 to serve all beneficial users of water, even if all users implement strict conservation measures and water rationing. On a local level, the San Diego County Water Authority (CWA) is asking all San Diegans to reduce their water consumption by 15% beginning on February 1, 1991. The City Manager issued a press release asking San Diegans to voluntarily comply with the CWA's request. A reduction of 30% will be requested by the CWA on March 1, 1991. The City Council adopted an Emergency Water Conservation Ordinance in 1987. Based upon the severity of the drought, the City should be prepared to respond immediately to requests for reduced water consumption in its service area. The recommended revisions to the Ordinance will provide the City with greater administrative ease when implementing various stages of the Ordinance. The recommended revisions include: 1) Defining unreasonable uses of water to include over-irrigation, failure to repair water leaks and hosing down paved areas; 2) Referring to Stage 1 (the voluntary compliance stage) as a Water Watch Stage; 3) Explaining the circumstances which would warrant enacting each of the four stages of the Ordinance; 4) Adding a provision in Stage 3 which



would allow a new construction meter to be issued only when an old one is returned; 5) Adding a provision in Stage 4 which would allow greywater to be used for outdoor irrigation.

WU-U-91-140.

FILE LOCATION: WATER-EMERGENCY WATER REGULATIONS

COUNCIL ACTION: (Tape location: A030-C270; D017-F060.)

Hearing began at 10:40 a.m. and halted at 12:15 p.m.

Testimony in favor by Admiral Jackson, Fred Thompson, William Tall, Tom Vincent, Joan Campbell, Al Strohlein, Floyd Wirthlin, Jr., R. Alan Smith, Charles A. Sippial, John Moore, Steve Schroeder, John Holley, and Randy Newhard.

MOTION BY HENDERSON TO ADOPT CITY MANAGER'S RECOMMENDATIONS 1-5 AND TRAIL ITEMS 6 AND 7 UNTIL THE AFTERNOON SESSION, AS FOLLOWS:

1. SUPPORT A REGIONAL WATER STRATEGY OF AN OVERALL VOLUNTARY 30% WATER CONSERVATION LEVEL FROM THE 1989-90 WATER USAGE THROUGH APRIL 30, 1991;
2. DIRECT THE CITY MANAGER TO WORK WITH THE SAN DIEGO COUNTY WATER AUTHORITY (CWA) TO DETERMINE THE ADDITIONAL WATER NEEDED TO MEET THIS GOAL FROM LOCAL WATER SOURCES;
3. SUPPORT THE CWA'S EFFORTS TO OBTAIN INCREASED WATER ALLOCATIONS FROM THE STATE WATER PROJECT (SWP) AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD);
4. REQUEST THE CWA TO REEVALUATE AND REVISE PROVISIONS IN THEIR MANDATORY USE ORDINANCE ADOPTED MARCH 24, 1991, IN LIGHT OF INCREASED WATER SUPPLIES LOCALLY AND STATEWIDE;
5. DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO BRING BACK THE REVISED ORDINANCE FOR ADOPTION BY THE CITY COUNCIL ON APRIL 8, 1991.

Second by Roberts. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea,  
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,  
Filner-not present, Mayor O'Connor-yea.

In the afternoon session, Council considered and made the following motion(s) as related to matters concerning Items S500, S501, S502, and S503:

Motion by Wolfsheimer to adopt the Conservation Incentive Rate Program Case No. 3 as recommended by the City Manager City Manager Report 91-157), and direct staff to begin the implementation of a tiered approach toward setting the water utilities rates which recognizes that based on the average residential use the 110 cubic feet per month will be the

conservation goal under this plan which is 250 gallons per house per day. Continue to April 8, 1991, for staff to recalculate figures and to review Mayor O'Connor's proposal to reward conservation efforts based on the tiered structure Case No. 3. Depending on the outcome of the County Water Authority meeting (to be held on April 10, 1991), tentatively schedule the matter for a Special Council Meeting on April 12, 1991. Second by Henderson. Passed. Yeas: 1,2,4,5,6,7,M. Nay: 8. Not present: 3.

MOTION BY HENDERSON TO CONTINUE FOR FURTHER REVIEW FOR INFORMATION FROM THE COUNTY WATER AUTHORITY. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: NOTED AND FILED

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 705; Continued from the meetings of March 4, 1991, Item S406, and March 18, 1991, Item S405; last continued at the City Manager's request, to confirm the Council's intent to defer actions to the meeting of 3/26/91.)

In the matter of Water Conservation efforts.

FILE LOCATION: WATER-WATER CONSERVATION EFFORTS

COUNCIL ACTION: (Tape location: A030-C270; D017-F060.)

MOTION BY HENDERSON TO ADOPT CITY MANAGER'S RECOMMENDATIONS 1-5 AND TRAIL ITEMS 6 AND 7 UNTIL THE AFTERNOON SESSION, AS FOLLOWS:

1. SUPPORT A REGIONAL WATER STRATEGY OF AN OVERALL VOLUNTARY 30% WATER CONSERVATION LEVEL FROM THE 1989-90 WATER USAGE THROUGH APRIL 30, 1991;
2. DIRECT THE CITY MANAGER TO WORK WITH THE SAN DIEGO COUNTY WATER AUTHORITY (CWA) TO DETERMINE THE ADDITIONAL WATER NEEDED TO MEET THIS GOAL FROM LOCAL WATER SOURCES;
3. SUPPORT THE CWA'S EFFORTS TO OBTAIN INCREASED WATER ALLOCATIONS FROM THE STATE WATER PROJECT (SWP) AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD);
4. REQUEST THE CWA TO REEVALUATE AND REVISE PROVISIONS IN THEIR MANDATORY USE ORDINANCE ADOPTED MARCH 24, 1991, IN LIGHT OF INCREASED WATER SUPPLIES LOCALLY AND STATEWIDE;
5. DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO BRING BACK THE REVISED ORDINANCE FOR ADOPTION BY THE CITY COUNCIL

ON APRIL 8, 1991.

Second by Roberts. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea,  
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,  
Filner-not present, Mayor O'Connor-yea.

In the afternoon session, Council considered and made the following motion(s) as related to matters concerning Items S500, S501, S502, and S503:

Motion by Wolfsheimer to adopt the Conservation Incentive Rate Program Case No. 3 as recommended by the City Manager (City Manager Report 91-157), and direct staff to begin the implementation of a tiered approach toward setting the water utilities rates which recognizes that based on the average residential use the 110 cubic feet per month will be the conservation goal under this plan which is 250 gallons per house per day. Continue to April 8, 1991, for staff to recalculate figures and to review Mayor O'Connor's proposal to reward conservation efforts based on the tiered structure Case No. 3. Depending on the outcome of the County Water Authority meeting (to be held on April 10, 1991), tentatively schedule the matter for a Special Council Meeting on April 12, 1991. Second by Henderson. Passed. Yeas: 1,2,4,5,6,7,M. Nay: 8. Not present: 3.

MOTION BY McCARTY TO NOTE AND FILE AS RECOMMENDED BY THE CITY MANAGER. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-91-1530) CONTINUED TO APRIL 8, 1991

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 706; Continued from the meeting of March 18, 1991, Item S406, at the City Manager's request, to confirm the Council's intent on 3/14/91 to defer actions to the meeting of 3/26/91.)

Amending and/or increasing certain currently effective water rates and charges as part of the annual review of water and sewer utility rates.

FILE LOCATION: WATER-WATER AND SEWER UTILITY RATES

COUNCIL ACTION: (Tape location: A030-C270; D017-F060.)

MOTION BY HENDERSON TO ADOPT CITY MANAGER'S RECOMMENDATIONS 1-5 AND TRAIL ITEMS 6 AND 7 UNTIL THE AFTERNOON SESSION, AS FOLLOWS:

1. SUPPORT A REGIONAL WATER STRATEGY OF AN OVERALL VOLUNTARY 30% WATER CONSERVATION LEVEL FROM THE 1989-90 WATER USAGE THROUGH APRIL 30, 1991;
2. DIRECT THE CITY MANAGER TO WORK WITH THE SAN DIEGO COUNTY WATER AUTHORITY (CWA) TO DETERMINE THE ADDITIONAL WATER NEEDED TO MEET THIS GOAL FROM LOCAL WATER SOURCES;
3. SUPPORT THE CWA'S EFFORTS TO OBTAIN INCREASED WATER ALLOCATIONS FROM THE STATE WATER PROJECT (SWP) AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD);
4. REQUEST THE CWA TO REEVALUATE AND REVISE PROVISIONS IN THEIR MANDATORY USE ORDINANCE ADOPTED MARCH 24, 1991, IN LIGHT OF INCREASED WATER SUPPLIES LOCALLY AND STATEWIDE;
5. DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO BRING BACK THE REVISED ORDINANCE FOR ADOPTION BY THE CITY COUNCIL ON APRIL 8, 1991.

Second by Roberts. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea,  
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,  
Filner-not present, Mayor O'Connor-yea.

In the afternoon session, Council considered and made the following motion(s) as related to matters concerning Items S500, S501, S502, and S503:

MOTION BY WOLFSHEIMER TO ADOPT THE CONSERVATION INCENTIVE RATE PROGRAM CASE NO. 3 AS RECOMMENDED BY THE CITY MANAGER (CITY MANAGER REPORT 91-157), AND DIRECT STAFF TO BEGIN THE IMPLEMENTATION OF A TIERED APPROACH TOWARD SETTING THE WATER UTILITIES RATES WHICH RECOGNIZES THAT BASED ON THE AVERAGE RESIDENTIAL USE THE 110 CUBIT FEET PER MONTH WILL BE THE CONSERVATION GOAL UNDER THIS PLAN WHICH IS 250 GALLONS PER HOUSE PER DAY. CONTINUE TO APRIL 8, 1991, FOR STAFF TO RECALCULATE FIGURES AND TO REVIEW MAYOR O'CONNOR'S PROPOSAL TO REWARD CONSERVATION EFFORTS BASED ON THE TIERED STRUCTURE CASE NO. 3. DEPENDING ON THE OUTCOME OF THE COUNTY WATER AUTHORITY MEETING (TO BE HELD ON APRIL 10, 1991), TENTATIVELY SCHEDULE THE MATTER FOR A SPECIAL COUNCIL MEETING ON APRIL 12, 1991. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S503: (O-91-148) CONTINUED TO APRIL 8, 1991

(Trailed as Unfinished Business from the Special

Meeting of Thursday, March 14, 1991, Item 707;  
Continued from the meeting of March 18, 1991, Item  
S407, at the City Manager's request, to confirm the  
Council's intent to defer actions to the meeting of  
3/26/91.)

Introduction of an Ordinance amending Chapter VI,  
Article 4, Division 4, of the San Diego Municipal Code,  
by amending Section 64.0411, and amending Chapter VI,  
Article 7 of the San Diego Municipal Code, by amending  
Section 67.59.1, relating to Sewer and Water Rate  
Adjustment.

CITY MANAGER SUPPORTING INFORMATION: The Municipal Code  
(Section 64.0411 and 67.59.1) currently provides that water and  
sewer rates be adjusted annually on the first day of January to  
compensate for any increases in the costs of purchased water  
and/or energy which are beyond the control of the City. The  
Proposed Ordinance:

1. Amends Section 64.0411 (Sewer Rates - Adjustments) and  
67.59.1 (Water Rates - Adjustments) to provide that  
adjustments to water and sewer rates be made at any  
time to compensate for increases in Water Purchase  
and/or Energy Costs.

WU-U-91-134.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A030-C270; D017-F060.)

MOTION BY HENDERSON TO ADOPT CITY MANAGER'S RECOMMENDATIONS  
1-5 AND TRAIL ITEMS 6 AND 7 UNTIL THE AFTERNOON SESSION, AS  
FOLLOWS:

1. SUPPORT A REGIONAL WATER STRATEGY OF AN OVERALL  
VOLUNTARY 30% WATER CONSERVATION LEVEL FROM THE 1989-90  
WATER USAGE THROUGH APRIL 30, 1991;
2. DIRECT THE CITY MANAGER TO WORK WITH THE SAN DIEGO  
COUNTY WATER AUTHORITY (CWA) TO DETERMINE THE ADDITIONAL  
WATER NEEDED TO MEET THIS GOAL FROM LOCAL WATER SOURCES;
3. SUPPORT THE CWA'S EFFORTS TO OBTAIN INCREASED WATER  
ALLOCATIONS FROM THE STATE WATER PROJECT (SWP) AND THE  
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD);
4. REQUEST THE CWA TO REEVALUATE AND REVISE PROVISIONS IN  
THEIR MANDATORY USE ORDINANCE ADOPTED MARCH 24, 1991, IN  
LIGHT OF INCREASED WATER SUPPLIES LOCALLY AND STATEWIDE;
5. DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO BRING  
BACK THE REVISED ORDINANCE FOR ADOPTION BY THE CITY COUNCIL  
ON APRIL 8, 1991.

Second by Roberts. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea,  
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,  
Filner-not present, Mayor O'Connor-yea.

In the afternoon session, Council considered and made the following motion(s) as related to matters concerning Items S500, S501, S502, and S503:

Motion by Wolfsheimer to adopt the Conservation Incentive Rate Program Case No. 3 as recommended by the City Manager (City Manager Report 91-157), and direct staff to begin the implementation of a tiered approach toward setting the water utilities rates which recognizes that based on the average residential use the 110 cubic feet per month will be the conservation goal under this plan which is 250 gallons per house per day. Continue to April 8, 1991, for staff to recalculate figures and to review Mayor O'Connor's proposal to reward conservation efforts based on the tiered structure Case No. 3. Depending on the outcome of the County Water Authority meeting (to be held on April 10, 1991), tentatively schedule the matter for a Special Council Meeting on April 12, 1991. Second by Henderson. Passed. Yeas: 1,2,4,5,6,7,M. Nay: 8. Not present: 3.

MOTION BY WOLFSHEIMER TO CONTINUE TO APRIL 8, 1991, FOR FURTHER INFORMATION FROM THE METROPOLITAN WATER AUTHORITY (MWA) AND THE COUNTY WATER AUTHORITY (CWA). COUNCIL TO TENTATIVELY SCHEDULE THE MATTER FOR A SPECIAL MEETING ON APRIL 12, 1991, DEPENDING ON THE OUTCOME OF THE COUNTY WATER AUTHORITY MEETING. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S504: (R-91-1639 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-277592

Waiving the City's ten percent of ticket sales to a USO music concert to support military families (including those in Desert Storm) at San Diego Stadium on Friday, April 12, 1991, pursuant to Council Policy 700-40.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F065-180.)

MOTION BY HENDERSON TO ADOPT WITH THE UNDERSTANDING THAT THE USO WOULD PAY THE DIRECT EXPENSES WHICH OTHERWISE WOULD HAVE

BEEN ALREADY A PART OF ANY CONTRACT WITH THEM ON THE USE OF THE STADIUM THAT THE CITY AGREED TO WAIVE FOR THESE SPECIAL CIRCUMSTANCES THE TEN (10) PERCENT FEE WITH THE UNDERSTANDING THAT: 1) THIS BENEFIT IS DONE TO BENEFIT THE FAMILIES OF DESERT STORM; 2) TO INCLUDE REMARKS BY COUNCIL MEMBER ROBERTS TO RECOGNIZE THE UNIQUENESS OF THE REQUEST, IN THAT, IT IS AN EXTRAORDINARY SITUATION AND IS NOT INTENDED TO SERVE AS A PRECEDENT FOR ANY FUTURE COUNCIL ACTION; 3) THE PROMOTER IS TO COVER ALL STADIUM EXPENSES TO INCLUDE CLEANUP, POLICE SUPPORT AND OTHER RELATED COSTS. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-91-1633) ADOPTED AS RESOLUTION R-277580

A Resolution adopted by the City Council in Closed Session on March 26, 1991:

Authorizing the City Manager to pay the total sum of \$350,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury to Teresa Evans and the wrongful death of Karissa Evans, a minor; authorizing the City Auditor and Comptroller to issue one check in the amount of \$350,000, made payable to Teresa and Michael Evans, individually, and executor of the estate of Karissa Evans and the law offices of Gray, Cary, Ames and Frye.

Aud. Cert. 9100731.

FILE LOCATION: MEET

ITEM-CS-2: (R-91-1663) ADOPTED AS RESOLUTION R-277581

A Resolution adopted by the City Council in Closed Session on March 26, 1991:

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury to Christopher Minnehan; authorizing the City Auditor and Comptroller to issue a check in the amount of \$40,000, made payable to Christopher Minnehan and his attorney of record, David

Miller.

Aud. Cert. 9100744.

FILE LOCATION: MEET

ITEM-CS-3: (R-91-1662) ADOPTED AS RESOLUTION R-277582

A Resolution adopted by the City Council in Closed  
Session on March 26, 1991:

Authorizing the City Manager to pay the total sum of  
\$200,000 in the settlement of each and every claim  
against the City, its agents and employees, resulting  
from personal injury to David Starr; authorizing the  
City Auditor and Comptroller to issue a check in the  
amount of \$200,000, made payable to David Starr and  
Robert J. Trentacosta, his attorney.

Aud. Cert. 9100721.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Wolfsheimer at 5:23  
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H416-417).